

# House File 479 - Introduced

HOUSE FILE 479

BY SWAIM

## A BILL FOR

1 An Act relating to the definition of assault in the criminal  
2 code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.1, subsection 1, Code 2011, is  
2 amended to read as follows:

3 1. Any act which is intended to cause pain or injury to, or  
4 which is intended to result in physical contact which will be  
5 insulting or offensive to another, ~~coupled with the apparent~~  
6 ~~ability to execute the act~~ and results in physical contact.

7 EXPLANATION

8 This bill relates to the term "assault" in the criminal code.

9 The amendment to Code section 708.1(1) modifies "assault"  
10 to mean any act which is intended to cause pain or injury to,  
11 or which is intended to result in physical contact which will  
12 be insulting or offensive to another, and results in physical  
13 contact. Under current law, "assault" means any act which is  
14 intended to cause pain or injury to, or which is intended to  
15 result in physical contact which will be insulting or offensive  
16 to another, coupled with the apparent ability to execute the  
17 act.

18 The bill does not modify the other portions of the definition  
19 of "assault" in Code section 708.1.

20 The modification of the definition of "assault" directly  
21 or indirectly affects the following criminal or juvenile  
22 offenses and procedures: domestic death review team (135.108),  
23 dispositional orders in juvenile court (232.52), definition  
24 of domestic abuse (236.2), school suspension or expulsion  
25 (282.4), murder in the first degree (707.2), penalties for  
26 assault (708.2), enhanced penalties for domestic abuse assault  
27 (708.2A), treatment of domestic abuse offenders (708.2B),  
28 assault in violation of individual rights (708.2C), assault  
29 while participating in a felony (708.3), assault on persons  
30 engaged in certain occupations (708.3A), inmate assaults  
31 (708.3B), assault with intent to commit sexual abuse (709.11),  
32 aggravated theft (714.3A), interference with official acts  
33 (719.1), weapons offenses (724.26), required tests for  
34 infectious diseases (905.15), and deferred judgment eligibility  
35 (907.3). The term "assault" appears numerous other times

1 in the Code without a direct reference to the definition of  
2 assault (708.1).

3     The bill affects the prosecution of a criminal offense where  
4 an "assault" is an element of that criminal offense or a lesser  
5 included offense of a greater offense charged by indictment or  
6 information, e.g., willful injury (708.4).